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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR         | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|--|-------------|------------------------------|-----------------------------|------------------------|
| 10/529,397   | 03/28/2005  | Soren Flygenromg Christensen | CHRISTENSEN12               | 6716                   |
| 1444 7590 03/31/2009<br>BROWDY AND NEIMARK, P.L.L.C.<br>624 NINTH STREET, NW<br>SUITE 300<br>WASHINGTON, DC 20001-5303 |             |                              | EXAMINER<br>STEELE, AMBER D |                        |
|  |             |                              | ART UNIT<br>1639            | PAPER NUMBER           |
|  |             |                              | MAIL DATE<br>03/31/2009     | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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| <b>APPLICATION NO.</b><br><b>10529397</b> | <b>FILING DATE</b><br><b>3/28/2005</b> | <b>FIRST NAMED INVENTOR</b><br><b>CHRISTENSEN ET AL.</b> | <b>ATTORNEY DOCKET NO.</b><br><b>CHRISTENSEN12</b> |
|---|--|--|--|

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

**EXAMINER**

AMBER D. STEELE

|                 |              |
|-----------------|--------------|
| <b>ART UNIT</b> | <b>PAPER</b> |
|-----------------|--------------|

1639

20090326

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

- 1) Claims 2-31 were amended in the response received on January 8, 2009 so that the claims could be grouped with elected invention II (claims 32-40 and 42). Applicants asserted in the response received on September 10, 2008 that species for claims 2-31 were elected in the response filed on January 17, 2008. However, applicants elected 4-10 particles (i.e. range, not a single species) and the election of a spectroscopically detectable marker does not correlate with the election of a marker detected by probing with one or more predetermined frequencies or the election of claim 24 (i.e. optically transparent polymer) which is drawn to fluorescent markers also. Therefore, the species election for claims 2-31 is incomplete.
- 2) Since the above-mentioned reply appears to be a bona fide attempt, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).
- 3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber D. Steele whose telephone number is 571-272-5538. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

